



Maryland

Department of Economic & Employment Development

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Board of Appeals
Thomas W. Keech, Chairman
Hazel A. Warnick, Associate Member
Donna P. Watts, Associate Member

— DECISION —

Decision No.:	2151-BR-92
Date:	December 8, 1992
Claimant:	Sidney Weissenberg
Appeal No.:	9214220
S. S. No.:	
Employer:	Montgomery Co. Public Schools
L. O. No.:	43
Appellant:	CLAIMANT
Issue:	Whether the claimant had a contract or reasonable assurance of returning to work under §8-909 of the Labor and Employment Article.

— NOTICE OF RIGHT OF APPEAL TO COURT —

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE CIRCUIT COURT OF BALTIMORE CITY, IF YOU RESIDE IN BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES

January 7, 1993

— APPEARANCES —

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

Upon review of the record in this case, the Board of Appeals modifies the decision of the Hearing Examiner.

The Board agrees that the claimant had a "reasonable assurance" of returning to work as a substitute teacher for the following school year to begin in September of 1992. He is thus properly disqualified under §8-909(a) of the Labor and Employment Article.

This disqualification, however, is applicable only during certain times. In this case, the disqualification is applicable "during the period between 2 successive academic years or terms." §8-909(a)(2). The academic year, according to the testimony, ended on June 17, 1992. This successive academic year began on August 31, 1992. The claimant is thus properly disqualified, for unemployment insurance purposes, from the week beginning June 14, 1992 through the week ending August 29, 1992.

This section of the law, however, does not apply to any claims for benefits which the claimant filed for weeks prior to or subsequent to the summer vacation period.

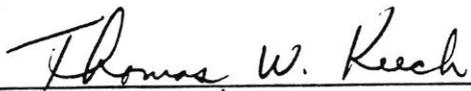
The Board adopts the Hearing Examiner's findings of fact and conclusions of law with respect to the issue of good cause for reopening of a dismissed case.

DECISION

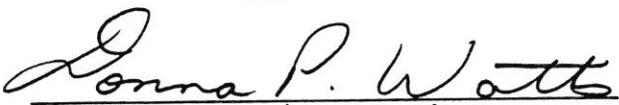
The claimant is disqualified from receiving benefits based on service with the Montgomery County Public Schools, under §8-909(a)(2) of the Labor and Employment Article from the week beginning June 14, 1992 through the week ending August 29, 1992.

No disqualification is imposed under this section of the law for the week beginning June 7, 1992. No disqualification is imposed under this section of the law, based upon the school system's summer vacation, for any week that begins after August 29, 1992.

The decision of the Hearing Examiner is modified.



Chairman



Associate Member

K:DW

kbm

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CLAIMANT

EMPLOYER

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